

April 23, 1975

SENATOR F. LEWIS: I would like a ruling from the Chair. How many votes are you going to suggest that it takes to pass the A bill?

PRESIDENT: We did this other day when Senator Murphy made the same inquiry. Consistent with my communication to the members of the Legislature, this bill, or this expenditure was not in the Governor's budget. That answers one question and the other question is the opinion of the Chair that this is an expanded existing program and on-going program and is not a new program and therefore it will take 30 votes.

SENATOR F. LEWIS: Mr. Chairman with all due respects, and with humility and all of those things, I'm going to ask to appeal the decision of the Chair.

PRESIDENT: Senator Lewis, I did not make a ruling. I gave you advice as to what I am going to do. Could I suggest that you appeal at such time as I do.

SENATOR F. LEWIS: Would you just save my motion so I don't have to give it to you?

PRESIDENT: But it is appropriate that the Chair advise the membership of the vote that the Chair will require prior to the taking of the vote. Read the A bill please.

CLERK: Read the bill.

PRESIDENT: All provisions of law relative to procedure having been complied with the question is, "Shall LB243A pass?" Have you voted? Record Mr. Clerk.

CLERK: 243A fails. 28 ayes, 14 nays and 7 not voting. Vote appears on page 1393 of the Legislative Journal.

PRESIDENT: The bill is not passed. Senator Lewis.

SENATOR LEWIS: Mr. Chairman, we all make mistakes once in awhile and you just did and I challenge your ruling.

PRESIDENT: Do you appeal my ruling to correct your error. Do you wish to speak on the matter?

SENATOR F. LEWIS: I think that this issue has been hashed back and forth quite enough. It is either the Legislative prerogative or the executive. I'm on the side of the legislative.

PRESIDENT: The Chair is on the side of the Constitution. You complete your statement Senator.

SENATOR F. LEWIS: Well if we are debating the issue I wanted to close.

PRESIDENT: You may close. The Chair is the presiding officer here and is not on the Legislative side, except to the side that the Chair does preside, and nor on the Executive side. The Constitution clearly says that any appropriation bill shall have 30 votes. The Attorney General has issued an opinion that says that this does not apply to new programs only to programs that are outside of the Governor's budget but which are on-going programs. So it has nothing to do with the Executive or Legislative. It has to do with what